



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Senior Assistant Attorney General

DATE: August 16, 2010

SUBJECT: Proposed Regulation 22 VAC 40-411
General Relief Program

I have reviewed the proposed emergency regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the attached proposed emergency regulation and if the proposed emergency regulation comports with applicable state law.

Item 332 of the 2010 Appropriation Act reduced funding in the General Relief Program, eliminating all components of the program, except for the unattached child component. The Appropriation Act authorizes the State Board to promulgate emergency regulations to affect this funding change. It appears that the State Board has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 14 (2010), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0095.